

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LYNDA M. OWENS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C10-05703 BHS JRC

REPORT AND RECOMMENDATION

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrate Judge Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the parties' stipulated motion to remand the matter to the administration for further consideration. (ECF No. 16.)

After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties motion, and REVERSE and REMAND for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, the Administrative Law Judge should hold a new hearing and issue a new
2 decision. The ALJ should:

- 3 • Further develop the record by updating the medical evidence, ordering a consultative
4 examination, or calling upon a medical expert.
- 5 • Evaluate Plaintiff's mental impairments to determine severity and what limitations
6 they may cause.
- 7 • Further evaluate the medical opinions, including the opinions of Michael Barnard,
8 M.D., and Michelle Zhong, M.D., in accordance with 20 C.F.R § 404.1527, SSRs,
9 and Ninth Circuit case law; and explain the weight given.
- 10 • Reevaluate Plaintiff's residual functional capacity and, as necessary, continue with
11 the sequential evaluation process.
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14 The ALJ should take any other actions necessary to develop the record. Plaintiff should
15 be allowed to submit additional evidence and arguments to the ALJ on remand.

16 Plaintiff should be entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C. §
17 2412(d), upon proper request to this Court.

18 Given the facts and the parties' stipulation, the Court recommends that the District Judge
19 immediately approve this Report and Recommendation and order the case **REVERSED** and
20 **REMANDED**.

21 DATED at this 11th day of March, 2011.

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25 J. Richard Creatura
26 United States Magistrate Judge